



PATENT

Docket No. 4290-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Oystein IHLE et al
Serial No. : 09/870,128 Group Art Unit: TBA
Filed : May 30, 2001 Examiner: TBA
For : **METHOD FOR SEPARATING NUCLEIC ACIDS INTO POPULATIONS**

CERTIFICATE OF MAILING

Commissioner for Patents
Washington, DC 20231

Dear Sir:

I hereby certify that the attached:

1. Information Disclosure Statement;
2. Information Disclosure Statement Form PTO-1449;
3. Ten (11) references;
4. International Search Report (ISR); and
5. Return postcard.

(along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner of Patents, Washington, DC 20231.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.


Annalisa Leone

Date: November 14, 2001

CORRESPONDENCE ADDRESS:
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0300

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Group Art Unit: TBA

Serial No.: 09/870,128

Examiner: TBA

Filed: May 30, 2001

For: **METHOD FOR SEPARATING NUCLEIC ACIDS INTO POPULATIONS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national

application other than a CPA; or

- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid

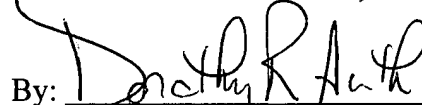
and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4290-4000. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

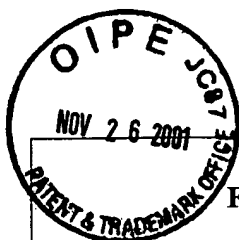
By: 

Dorothy R. Auth
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Dated: November 14, 2001

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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket:
4290-4000Serial No.:
09/870,128Applicant:
Oystein IHLE et al.Filing Date:
May 30, 2001Group Art Unit:
TBA

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,602,300	11-Feb-97	Gossen, J. et al.			
	5,710,028	20-Jan-98	Eyal et al.			
	5,741,678	21-Apr-98	Ronai, Zeev A.			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
	WO 90/12115	18-Oct-90	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0 872 559 A1	21-Oct-98	EP			<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 85/04674	24-Oct-85	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 97/28282	7-Aug-97	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

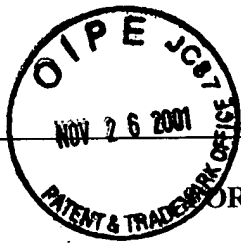
OTHER DOCUMENTS (Including Author, Title, Date, etc.)

	Urdal, P., "Rapid Immunometric Measurement of C-Reactive Protein in Whole Blood", <i>Clinical Chemistry</i> , Vol. 38, No. 4, 1992, pp. 580-584.
	Vallance, H. et al., "Rapid, Semi-Quantitative Assay of C-Reactive Protein Evaluated", <i>Clinical Chemistry</i> , Vol. 37, No. 11, 1991, pp. 1981-1982.

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.



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Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
	WO 89/06801	27-Jul-89	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0 207 152 B1	7-Jan-92	EP			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

Examiner

Date Considered

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